

KILPATRICK TOWNSEND & STOCKTON LLP
 A. JAMES ISBESTER (State Bar No. 129820)
 jisbester@kilpatricktownsend.com
 BYRON R. CHIN (State Bar No. 259846)
 bchin@kilpatricktownsend.com
 Two Embarcadero Center, Eighth Floor
 San Francisco, CA 94111
 Telephone: 415 576 0200
 Facsimile: 415 576 0300

William H. Boice, Esq. (*admitted pro hac vice*)
 bboice@kilpatricktownsend.com
 Audra A. Dial (*admitted pro hac vice*)
 adial@kilpatricktownsend.com
 Michael J. Turton (*admitted pro hac vice*)
 mturton@kilpatricktownsend.com
 Joshua H. Lee (*admitted pro hac vice*)
 jlee@kilpatricktownsend.com
 Suite 2800, 1100 Peachtree Street NE
 Atlanta, GA 30309
 Telephone: 404-815-6500
 Facsimile: 404-815-6555

Steven Gardner (*admitted pro hac vice*)
 sgardner@kilpatricktownsend.com
 N. Dean Powell, Jr. (*admitted pro hac vice*)
 dpowell@kilpatricktownsend.com
 Alton L. Absher, III (*admitted pro hac vice*)
 aabscher@kilpatricktownsend.com
 Jonathan E. Harris (*admitted pro hac vice*)
 jeharris@kilpatricktownsend.com
 Bryan S. Foster (*admitted pro hac vice*)
 bfoster@kilpatricktownsend.com
 1001 W. Fourth Street
 Winston-Salem, NC 27101
 Telephone: 336-607-7300
 Facsimile: 336-607-7500

*Counsel for Defendants Alfresco Software Ltd.,
 Alfresco Software, Inc. and Carahsoft Technology Corporation*

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

OPEN TEXT S.A.,

Plaintiff,

v.

ALFRESCO SOFTWARE LTD.,
 ALFRESCO SOFTWARE, INC. AND
 CARAHSOFT TECHNOLOGY
 CORPORATION,

Defendants.

Civil Action No. 13-CV-04843 JD

STATEMENT OF RECENT DECISION

Hon. Judge James Donato



1 Pursuant to Local Rule 7-3(d)(2), Defendants Alfresco Software Ltd., Alfresco Software,
2 Inc., and Carahsoft Technology Corp. (collectively “Defendants”), by counsel, provide notice of
3 recent authority relevant to the Defendants’ pending Motion to Dismiss Plaintiff’s First and
4 Second Causes of Action for Failure to State a Claim (Dkt. No. 35) (“Motion to Dismiss”).

5 On September 3, 2014, after briefing of the Defendants’ pending Motion to Dismiss, the
6 United States Court of Appeals for the Federal Circuit issued an opinion in the case of *buySAFE,*
7 *Inc. v. Google, Inc.*, No. 2013-1575, -- F.3d --, 2014 WL 4337771 (Fed. Cir. Sept. 3, 2014) (a
8 copy of which is attached as **Exhibit 1**). The *buySAFE* opinion addresses 35 U.S.C. § 101—a
9 subject addressed in connection with Defendant’s Motion to Dismiss (*see* Dkt. Nos. 35, 36, 43,
10 57)—and affirms the district court’s grant of the defendant’s motion for judgment on the pleadings
11 under Rule 12(c) of the Federal Rules of Civil Procedure, holding that the asserted claims fall
12 outside § 101.

13
14 Dated: September 4, 2014

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON

15
16
17 By: /s/ Byron R. Chin

A. JAMES ISBESTER
BYRON R. CHIN

18
19 *Counsel for Defendants Alfresco Software Ltd.,*
20 *Alfresco Software, Inc. and Carahsoft*
21 *Technology Corporation*
22
23
24
25
26
27
28

